

PATENT

Atty. Dkt. No. ATT 2001-0288

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REMARKS

In view of the above amendment and the following discussion, the Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102. Thus, the Applicants believe that all of these claims are now in allowable form.

I. IN THE SPECIFICATION

The Examiner objects to the specification because of informalities. Specifically, the Examiner objects to incorporations by reference found in the specification on pages 1, 2 and 4. The Applicants respectfully submit that these incorporations by reference are proper because they are not incorporation of essential material, but rather, background information. The MPEP specifically allows incorporation by reference to non-patent publications for "non-essential" material as long as hyper-links or other browser executable code is not used. (See MPEP, 608.01(p), 37 CFR 1.57(d).)

Moreover, the Applicants respectfully submit that the actual publications for each URL are also cited and that the URL is simply an example of where one may find a copy of the publication cited. Consequently, the Applicants respectfully submit that the objection be withdrawn.

II. IN THE DRAWINGS

The Examiner objects to Figures 1 and 2 because Figures 1 and 2 allegedly only illustrate that which is old. The Applicants respectfully disagree. Applicants' specification clearly teaches that the novel method disclosed in the Applicants' specification may be performed by a node residing in the label switched network (e.g. the label switched network in Fig. 1.). (See Applicants' specification, para. [0018].) Therefore, the Applicants respectfully submit that Figures 1 and 2 do not necessarily only illustrate that which is old. As such, the Applicants respectfully request the objection be withdrawn.

III. REJECTION OF CLAIMS 1-2, 6-7 AND 11-14 UNDER 35 U.S.C. § 102

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The Examiner rejected claims 1-2, 6-7 and 11-14 as being anticipated by Davies (U.S. Patent 6,901,053, hereinafter referred to as "Davies"). In response, the Applicants herein cancel claims 1-2, 6-7 and 11-14 without prejudice. The rejection regarding claims 1-2, 6-7 and 11-14 is now moot. The Applicants reserve the right to file one or more continuation applications to continue prosecution of the canceled claims.

IV. ALLOWABLE SUBJECT MATTER

The Examiner has objected to claims 3-5 and 8-10 as being dependent upon a rejected base claim, but indicated claims 3-5 and 8-10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicants herein amend claims 3 and 8 into allowable form as suggested by the Examiner. Consequently, 4-5 and 9-10 are no longer dependent upon a rejected base claim and are also allowable. As such, Applicants respectfully request the objection be withdrawn and request allowance of these claims.

Conclusion


Thus, the Applicants submit that all of these claims now fully satisfy the requirements of 35 U.S.C. §102. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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